

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

CIVIL DIVISION

ELIZABETH A. PAWLOSKY,	)	CASE NO: _____
	)	
Plaintiff,	)	JURY TRIAL DEMANDED
	)	
v.	)	<i>Electronically Filed</i>
	)	
WAL-MART STORES, INC., individually	)	
and t/d/b/a WAL-MART and WAL-MART	)	
STORE #5381; WAL-MART STORES	)	
EAST, L.P., individually and t/d/b/a WAL-	)	
MART and WAL-MART STORE #5381;	)	
WAL-MART, individually; and WAL-	)	
MART STORE #5381, individually,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant, Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381, individually, with its principal place of business in Arkansas.

1. Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381 is a foreign corporation with a principal place of business in Bentonville, Arkansas.

2. Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-

Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381 is identified as a Defendant in a civil action brought in the Court of Common Pleas of Allegheny County, in the Commonwealth of Pennsylvania, by Elizabeth A. Pawlosky. (A true and correct copy of the Complaint is attached hereto as Exhibit "A").

3. The above-described action was commenced by the filing of a Complaint on August 15, 2011 in the Court of Common Pleas of Allegheny County, Pennsylvania, against Defendant, Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381. Plaintiff served Defendant with a copy of the Complaint on August 30, 2011.

4. Defendant believes that at the time this action commenced, Plaintiff was a resident of Allegheny County, Pennsylvania.

5. By letter dated July 26, 2011, Plaintiff submitted a settlement demand for this matter in excess of \$75,000.

6. This Notice of Removal is filed within thirty (30) days after Defendant, Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381, was served with a copy of Plaintiff's Complaint on August 30, 2011, which apprised this Defendant of the nature of the claims and is therefore timely filed pursuant to 28 U.S.C. §1446(b).

7. As all of the parties to this action are diverse and the sum in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C.

§1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant, Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381, requests that this action now pending in the Court of Common Pleas of Allegheny County at No. GD-11-016224 be removed to this Honorable Court.

Date: September 27, 2011

Respectfully submitted,

CIPRIANI & WERNER, P.C.

BY: /s/Mark R. Hamilton  
MARK R. HAMILTON, ESQUIRE  
Pa. ID# 29919

CIPRIANI & WERNER, P.C.  
650 Washington Road, Suite 700  
Pittsburgh, PA 15228  
(412) 563-2500

Attorneys for the Defendant  
Wal-Mart Stores, Inc., individually and  
t/d/b/a Wal-Mart and Wal-Mart Store  
#5381; Wal-Mart Stores East, L.P.,  
individually and t/d/b/a Wal-Mart and Wal-  
Mart Store #5381; Wal-Mart, individually;  
and Wal-Mart Store #5381

**JURY TRIAL IS DEMANDED**

**CERTIFICATE OF SERVICE**

That counsel for the Defendant, Wal-Mart Stores, Inc., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart Stores East, L.P., individually and t/d/b/a Wal-Mart and Wal-Mart Store #5381; Wal-Mart, individually; and Wal-Mart Store #5381, hereby certifies that a true and correct copy of its Notice of Removal has been served on all counsel of record, by first class mail, postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 27th day of September, 2011.

John J. Edson, Esquire  
400 Broad Street  
Suite 2001  
Sewickley, PA 15143

Respectfully submitted,

CIPRIANI & WERNER, P.C.

BY: /s/Mark R. Hamilton

MARK R. HAMILTON, ESQUIRE  
Attorney for the Defendant  
Wal-Mart Stores, Inc., individually and  
t/d/b/a Wal-Mart and Wal-Mart Store  
#5381; Wal-Mart Stores East, L.P.,  
individually and t/d/b/a Wal-Mart and Wal-  
Mart Store #5381; Wal-Mart, individually;  
and Wal-Mart Store #5381